

Tunisia

freedomhouse.org

Status Change Explanation:

Tunisia's political rights rating improved from 3 to 1 and its status improved from Partly Free to Free due to the adoption of a progressive constitution, governance improvements under a consensus-based caretaker administration, and the holding of free and fair parliamentary and presidential elections, all with a high degree of transparency.

The fourth year of Tunisia's democratic transition featured the passage of a historic constitution by 93 percent of the National Constituent Assembly (NCA), as well as free and fair presidential and parliamentary elections.

A successful national dialogue involving most of the political class culminated in January 2014 with the passage of the constitution, the establishment of a new election commission, and the formation of a politically neutral caretaker government under Prime Minister Mehdi Jomaa. In March, President Moncef Marzouki lifted the state of emergency imposed during the 2011 revolution when the government was pursuing a reinvigorated crackdown on terrorist groups. In May, the passage of a new electoral law set the stage for legislative elections in October and a two-round presidential election in November and December. Notably, lawmakers rejected an exclusion provision designed to prevent officials who served under former president Zine el-Abidine Ben Ali from running for office. This paved the way for a greater role for former regime officials in Tunisian politics and advanced national reconciliation.

In the fall, the Nidaa Tounes party—a coalition of secularists, leftists, liberals, and officials of the Ben Ali era—won both the parliamentary and presidential elections. Former prime minister Beji Caid Essebsi was elected president, defeating incumbent Marzouki in the runoff vote. This marked Tunisia's first electoral transfer of power since the 2011 Jasmine Revolution and gave the country its first democratically elected parliament and president. A new prime minister and cabinet had yet to be named at year's end.

Political Rights and Civil Liberties:

Political Rights: 36 / 40 (+9) [Key]

A. Electoral Process: 12 / 12 (+3)

The 217-seat NCA, which remained in place through December 2014, was elected in 2011 after longtime authoritarian president Ben Ali fled the country amid a wave of antigovernment protests. Parties from across the ideological spectrum participated in its election, and international monitoring groups declared the voting free and fair. The NCA was tasked with drafting a new constitution and served as an interim legislature, installing a government and a largely ceremonial president.

After a political standoff in 2013 that pitted the governing coalition, headed by the moderate Islamist party Ennahda, against secularist opposition parties, a national dialogue process led to Prime Minister Ali Larayedh's resignation in early January 2014. This compromise allowed the politically neutral caretaker government to take office following the adoption of the new constitution in late January.

Another result of the national dialogue process was the naming of a neutral, nine-member election commission, the Independent High Authority for Elections, in January 2014. In passing its consensus electoral law in May, the NCA rejected a horizontal gender parity proposal, which would have required alternating male- and female-headed lists across Tunisia's regions, opting instead for vertical gender parity, in which males and females alternate only within each list. The constitution and electoral law called for a two-round presidential election system and a semipresidential system of government. Both the president and the 217-seat unicameral parliament serve five-year terms, with members elected on party lists in 33 multimember constituencies.

In the October parliamentary elections, turnout was high at 67 percent of registered voters. Nidaa Tounes won a plurality of the vote and 86 seats. Ennahda placed second with 69 seats, 20 fewer than in 2011. Three other parties won enough seats to play significant roles in government formation: the populist-centrist Free Patriotic Union with 16 seats, the leftist Popular Front with 15, and the center-right Afek Tounes with 8. Ten other parties won between one and four seats each, and three seats went to independents.

In the presidential first round in November, with 64 percent voter turnout, Caid Essebsi of Nidaa Tounes won 40 percent, followed by Marzouki with 33 percent. A range of 20 other candidates ran as well, though Ennahda did not put forward a candidate. Caid Essebsi, who won more votes in the country's north, had previously served as interim prime minister between Ben Ali's departure and the 2011 elections. The more conservative and less economically advantaged south gave more support to Marzouki. Because no candidate won a majority, a runoff was held in December. Caid Essebsi won with 55 percent of the vote against Marzouki's 44 percent. Turnout in the second round dropped to 61 percent.

Complaints regarding campaign finance violations and vote buying marred perceptions of the elections, but no evidence was presented to indicate systematic violations or a significant impact on electoral results. International and local observers concluded that the 2014 elections were free and fair. International nongovernmental organizations (NGOs) reported significant improvements compared with the 2011 elections, including better communication with the general public and domestic observers, and quick and proactive responses to international criticism and advice.

B. Political Pluralism and Participation: 16 / 16 (+4)

More than 100 legal political parties exist, including two ultraconservative Salafi Muslim parties. In May 2014, the NCA narrowly defeated the proposed Article 167 of the election

law, which would have continued to disqualify members of the old ruling party who served in the government under Ben Ali from participating in politics.

The Tunisian military, historically marginalized by the political leadership, remained politically neutral in 2014. It performed nonmilitary security functions to protect the population throughout the transition, providing security at polling stations during the parliamentary and presidential elections.

The government and both domestic and international NGOs have worked to increase the political participation of marginalized groups, including disabled Tunisians, and ensure their inclusion in elections. Low youth voter turnout continued to concern nearly all observers in 2014, although tens of thousands of young people made up the majority of election monitors, polling station workers, campaign staff, and election volunteers.

C. Functioning of Government: 8 / 12 (+2)

The removal of Ben Ali and his close relatives and associates, who had used their positions to create private monopolies in several sectors, represented an important first step in combating corruption and eliminating conflicts of interest. An anticorruption authority was established in late 2012 and ratified in the 2014 constitution as a Good Governance and Anti-Corruption Commission. More than 540 cases have been investigated, and more than 100 have been sent to the judiciary, but few prosecutions have occurred, with the exception of in absentia trials for members of the Ben Ali and Trabelsi clans—the two former ruling families. The recovery of assets stolen by the families has been a major priority of the government, though it has had limited success. A strong legal framework and systematic practices aimed at curbing corruption have yet to take shape. A majority of citizens say that corruption has increased in the last three years, with politicians and police perceived as the most corrupt groups, and tax and permit services the most vulnerable to bribery. Tunisia was ranked 79 out of 175 countries and territories assessed in Transparency International's 2014 Corruption Perceptions Index.

Since the revolution, Tunisia has excelled in fiscal transparency. A 2011 information law requires internal documents of public institutions to be made available to the public. In 2013, an online tool called Marsoum 41 was created to enable citizens to directly request public documents, and the 2014 constitution enshrined the right of access to information, along with an independent commission to monitor compliance. Tunisia also joined the Open Government Partnership in 2014. Fiscal information is live-tweeted from parliamentary debates and amalgamated by independent watchdog organizations such as Marsad Budget.

Continuing negotiations and compromises among the political parties and leaders are often hailed as a positive sign of democratic accountability and responsiveness to public pressure. When the caretaker government in 2014 replaced a number of local and regional officials appointed by the previous government, the only request from former leaders was that officials be vetted and reviewed on an individual basis and by performance, rather than by party affiliation.

Civil Liberties: 43 / 60 (+7)**D. Freedom of Expression and Belief: 13 / 16 (+2)**

The transitional government proclaimed freedom of information and expression as a foundational principle for the country, and vast new press freedoms emerged from the revolution. The new constitution also guarantees freedoms of opinion, thought, expression, information, and publication. However, the media continued to face specific obstacles in 2014. Fewer journalists were arrested or convicted on defamation and other charges than in 2013, but the government did use the legal system to punish independent reporting on security grounds, targeting journalists with Islamist leanings in particular. Criminal cases, some resulting in imprisonment, were brought against internet users for content they posted online. Most notably, blogger Yassine Ayari was tried for “defaming the army” on Facebook after he criticized Defense Minister Ghazi Jeribi and other military leaders. Sentenced in absentia to a three-year prison term by a military court, he was arrested in December upon his return from France, quickly retried, and given a one-year prison term instead. Similarly, a military court gave police union representative Sahbi Jouini a two-year sentence in absentia for criticizing the government’s handling of antiterrorism operations.

The High Independent Authority of Audiovisual Communication (HAICA) continued to be the subject of debate due to concerns about its politicization and its aggressive policy of fining television and radio stations, especially during the elections. Separately, following a militant attack that killed 15 soldiers in July 2014, the government closed religious television station Al-Insen and radio station Nour FM for allegedly inciting violence.

The 2014 constitution introduced freedom of religion to an extent largely unprecedented in the Arab world. It guarantees freedom of belief and of conscience for all religions, as well as for the nonreligious, and bans campaigns against apostasy and incitement to hatred and violence on religious grounds. The political neutrality of places of worship is protected. While the constitution identifies Islam as the state religion and requires the president to be a Muslim, no constitutional provision identifies Sharia (Islamic law) as a source of legislation.

Attacks by conservative Muslims on their political and ideological opponents following the 2011 revolution—such as assaults against purveyors of alcohol or allegedly blasphemous art, and public threats by Salafis against state institutions—led the government in 2014 to step up enforcement of laws against such violence and intimidation, including through raids on mosques and hundreds of arrests. While human rights organizations pointed out certain arbitrary or unsatisfactory aspects of the crackdown, the government argued that its primary goal was to protect the freedom of expression and safety of other groups.

Academic freedom continues to improve in practice. Article 33 of the new constitution explicitly protects academic freedom and guarantees state support of scientific research.

E. Associational and Organizational Rights: 10 / 12 (+1)

The new constitution guarantees the right to assembly and peaceful demonstration. Demonstrations on political, social, and economic issues took place throughout 2014, and advocacy groups mounted protests on a range of topics, particularly in relation to economic demands. Some protests featured violent clashes with police, who were criticized in certain circumstances for using excessive force. Curfews were imposed in some cases.

Article 35 of the constitution guarantees the freedom to establish political parties, unions, and associations as long as they abide by the constitution, follow the law, provide financial transparency, and reject violence. Tens of thousands of new civil society organizations began operating after the revolution, and NGO conferences were held throughout the country during 2014. No formal registration process has been instated for these organizations, nor is their existence protected by an articulated legal framework. According to Human Rights Watch, after the militant attack in July, the authorities suspended 157 organizations for alleged hate speech and alleged links to terrorism. Antiterrorism and security justifications were used to circumvent legal procedures for closing civil society organizations.

Article 36 of the constitution guarantees the right to form labor unions and to strike. The newer Tunisian Labor Union and the General Confederation of Tunisian Workers, along with the oldest labor union in Tunisia, the General Union of Tunisian Workers (UGTT), pursued their demands for substantial governmental labor reform, better wages, and improved workplace conditions in 2014. The NCA gave these issues little attention, leading the UGTT to continue to call for strikes and support protests against the authorities.

F. Rule of Law: 9 / 16 (+3)

In the constitution, 22 articles establish and guarantee a robust and independent judiciary, and the caretaker government of 2014 was seen as more impartial and constructive in its administration of the Justice Ministry, oversight of the police, and interactions with the judiciary than its predecessors. However, the degree of judicial strength and independence will depend on legal and political actions taken by the new elected government and its successors. Judicial reform stalled in the run-up to the 2014 elections, with both the organic laws governing reform and the personnel who would implement them to be determined by the new legislature. In one survey, 56 percent of Tunisians said that they thought the judiciary was corrupt.

In June 2014 Tunisia established a Truth and Dignity Commission, which began looking into political, economic, and social crimes committed since 1956. In December, the commission started accepting depositions from Tunisian victims. The late 2013 transitional justice law was designed to pursue not only truth telling and fact finding, but also prosecutions. This has led elements of the old regime associated with Nidaa Tounes to strike a reconciliatory tone with their former political enemies. It also marked the beginning of an important dialogue over the independence and functioning of “specialized chambers” that would hear cases of serious human rights abuses.

Security issues, particularly threats from radical Salafi Muslim groups, are a major concern for the government, and security forces have stepped up patrols of the western and southern border regions to guard against militant activity. The July 2014 attack that killed 15 soldiers occurred in the remote Mount Chaambi area near the Algerian border.

The constitution refers to state protections for persons with special needs, prohibiting all forms of discrimination and providing aid to integrate them into society. It also guarantees the right to culture for all citizens, and calls for the state to create a culture of diversity. However, LGBT (lesbian, gay, bisexual, and transgender) people continue to face discrimination in law and society. Article 230 of the penal code prescribes up to three years in prison for “sodomy.”

Tunisia is a signatory to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government reportedly remains committed to developing an asylum law and a comprehensive national protection system. According to the Ministry of Interior, Tunisia hosted well over one million refugees from Libya’s ongoing civil war in 2014, with several hundred thousand new arrivals during the summer. However, by year’s end, only 1,157 foreigners had formal refugee status.

G. Personal Autonomy and Individual Rights: 11 / 16 (+1)

Freedom of movement has improved substantially since 2011. The constitution guarantees freedom of movement within Tunisia, as well as freedom to leave the country. Unlike in some other Arab countries, women do not require the permission of a male relative to travel. The southern border has been closed from time to time due to fighting and spillover from the Libyan civil war, and police checkpoints have increased in that region. Borders do not remain closed for long given the devastating economic effects this has on local communities.

The protection of property rights continued to be an area of concern, closely linked to high levels of corruption as well as a large backlog of property cases before the judiciary. The 2014 constitution introduced new protections for property, including intellectual property, but their implementation has yet to be seen.

Tunisia has long been praised for relatively progressive social policies, especially in the areas of family law and women’s rights. The 2014 constitution guarantees equality before the law for men and women, and the 1956 personal status code giving women equality with men has remained in force. It grants women equal rights in divorce, and children born to Tunisian mothers and foreign fathers are automatically granted citizenship. The country legalized medical abortion in 1973. Currently, 68 women serve in the parliament, the largest proportion of female representatives in the Arab world. Areas of ongoing concern for women’s rights include social discrimination and unequal inheritance laws.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology